

Appl. No. 09/314,615
Amd. Dated July 16, 2003
Reply to Office Action of January 16, 2003

REMARKS/ARGUMENTS

Claims 1-21 are pending in the application. In light of the following remarks, Applicant believes all the pending claims are now in condition for allowance.

The § 102(b) Rejection of Claims 1 and 14

Claims 1 and 4 were rejected under 35 USC § 102(a) as allegedly being anticipated by U.S. Patent No. 5,400,393, issued March 21, 1995 to Knuth et al. (hereinafter "Knuth"). Accordingly, it is being asserted that Knuth discloses all the features of these claims. For the following reasons, Applicant respectfully traverses the rejection.

Initially, claim 1 recites an apparatus for directing audio signals between audio transducers and a system. As claim 1 recites, the apparatus includes a plurality of ports for communicating audio signals with a plurality of audio transducers (see FIG. 3 for one embodiment). Additionally, claim 1 recites a transducer switch receives a configuration from the plurality of audio transducers and switches audio signals when an audio transducer is detected as off hook. Knuth does not disclose these features.

Knuth is directed to a digital telephone answering device that allows messages to be forwarded to a specific mailbox (e.g., for one of multiple users). The Office Action first cites FIG. 1 as showing speakerphone speaker 28, speakerphone microphone 34, handset speaker, and handset microphone (citing col. 4, lines 36-52). A closer review of the specification reveals that FIG. 1 is a telephone answering device without these transducers.

Speaker 28 is a speaker for playing back voice messages recorded on the device and built-in microphone 34 is for recording messages (e.g., outgoing messages). FIG. 1 has not been shown to have a plurality of ports as claimed, a transducer switch that receives a configuration as claimed, or even a device that is capable of going off hook. Accordingly, FIG. 1 does not support a prima facie case of anticipation for the features of claim 1.

The Office Action also cites FIG. 3 as apparently showing the same transducers as alleged to be in FIG. 1. FIG. 3 shows a telephone that can incorporate an embodiment described in Knuth. Although Applicant agrees that a handset and speakerphone capability appear to be present on the phone shown in FIG. 3, it has not been shown where this phone has a plurality of ports as claimed or a transducer switch that receives a configuration as claimed.

The Office Action then cites col. 8, lines 44-52 of Knuth stating that the reference teaches switching from a speakerphone audio transducer to handset transducers when the handset is lifted or goes off hook. Taking this as correct, it has still not been shown where Knuth describes an

Appl. No. 09/314,615
Amd. Dated July 16, 2003
Reply to Office Action of January 16, 2003

apparatus with a plurality of ports as claimed or a transducer switch that receives a configuration as claimed.

As it has not been shown where Knuth describes all the features of claim 1, a prima facie case of anticipation has not been established. Claim 14 has similar features so the claim is patentably distinct for similar reasons.

The § 103(a) Rejection of Claims 1-21

Claims 1-21 were rejected under 35 USC § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,822,406, issued October 13, 1998 to Brown in view of Knuth. Accordingly, it is being asserted that these two references, if combined, disclose or suggest all the features of the claims. For the following reasons, Applicant respectfully traverses the rejection.

The Office Action acknowledges that Brown does not disclose switching audio signals from one audio transducer to an off hook audio transducer when the off hook condition is detected. For example, claim 1 includes the following features:

a transducer switch, coupled to the plurality of ports, that receives a configuration for the plurality of audio transducers and that, in response to detecting an off hook condition of at least one of the audio transducers having off hook capability, switches audio signals from one of the audio transducers to the off hook audio transducer for which the off hook condition was detected.

(emphasis supplied). Nevertheless, the Office Action asserts that Knuth can be combined with Brown to remedy the deficiencies of Brown.

Although FIG. 1 of Knuth was cited, a closer review of Knuth reveals that the device shown therein did not even have an off hook capable transducer. As discussed above in reference to the § 102(a) rejection, FIG. 3 of Knuth is cited as showing a telephone that is described as switching from a speakerphone to a handset when the handset is lifted or goes off hook.

Now, turning to Brown in reference to FIGS. 1B and 2 that show a local telephone or standard telephone 201. Assuming for the sake of argument that one wished to replace the telephone shown in FIG. 3 of Knuth with either of the telephones shown in FIGS. 1B and 2 of Brown, one would still not achieve a transducer switch that switches audio signals because of a detected off hook condition as claimed.

More specifically, switching and line interface circuitry 111 in Brown would not detect that the handset was lifted as described in Knuth and the switch would not perform any switching of signals. The switching of signals would occur within the telephone itself totally transparent to

Appl. No. 09/314,615
Amd. Dated July 16, 2003
Reply to Office Action of January 16, 2003

the switch. In fact, from the switch's perspective in Brown, the telephone is off hook whether it is on speakerphone or handset. Accordingly, even if Brown and Knuth are combined, the combination does not disclose or suggest all the features claim 1.

As the Office Action has not shown that Brown and Knuth, even if combined, disclose or suggest all the features of claim 1, a prima facie case of anticipation has not been established. The other independent claim have similar features so claims 1-21 are patentably distinct over the cited reference.


Conclusion

For the foregoing reasons, Applicants believe all the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned.

Date: 16 July 03

Respectfully requested,

SIEMENS CORPORATION
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830
ATTENTION: Elsa Keller, IP Department
Telephone: (732) 321-3026

By: 
David D. Chung
Registration No. 38,409
Attorney for Applicants
Tel: 650-694-5339
Fax: 650-968-4517